
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 329

The Fodder Plant Seed (Scotland) Regulations 2005

PART II

MARKETING

General exemptions

10.—(1) Subject to paragraphs (2) and (3), the Scottish Ministers may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

(2) The Scottish Ministers shall not exercise the power to issue a general licence under paragraph (1) except—

- (a) to the extent that the provisions of the general licence are permitted in accordance with a temporary experiment organised under Article 13a (temporary experiments) of the Fodder Plant Seed Directive;
- (b) to the extent that the provisions of the general licence are permitted in accordance with Article 15(2) (waiving packing and labelling requirements for not yet fully certified seed imported from other EEA States) of the Fodder Plant Seed Directive;
- (c) to give effect to the provisions of a Council Decision made under Article 16 (checks on third country field inspections and quality control) of the Fodder Plant Seed Directive, including for the avoidance of doubt the Equivalence Decision, and amendments made to such a Decision;
- (d) to the extent that the provisions of the general licence are permitted in accordance with measures taken pursuant to Article 17 (permission to market lower quality seed) of the Fodder Plant Seed Directive; or
- (e) to give effect to the provisions of the Agreement between the European Community and the Swiss Confederation on Trade in Agriculture Products⁽¹⁾ as adapted by Decision [2002/309/EC](#), Euratom of the Council and of the Commission as regards the Agreement on Scientific and Technological Co operation⁽²⁾ and as amended by Commission Decision [2004/660/EC](#)⁽³⁾ on the Community position on the amendment of the Appendices to Annex 6 to the Agreement between the European Community and the Swiss Confederation on Trade in Agriculture Products.

(3) A general licence issued under paragraph (1)—

- (a) shall have effect during the period specified in it unless the Scottish Ministers revoke it earlier; and
- (b) may impose such conditions as the Scottish Ministers may think necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed

⁽¹⁾ O.J. No. L 114, 30.4.02, p.132.

⁽²⁾ O.J. No. L 114, 30.4.02, p.1.

⁽³⁾ O.J. No. L 301, 28.9.04, p.55.

to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.